



Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

Mayor
Maile L. Wilson

Council Members
Ronald R. Adams
John Black
Paul Cozzens
Don Marchant
Fred C Rowley

City Manager
Rick Holman

AMENDED CITY COUNCIL WORK MEETING
SEPTEMBER 2, 2015
5:30 P.M.

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

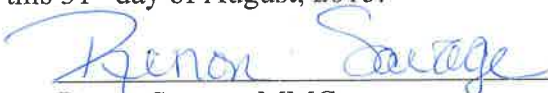
- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
- IV. Public Agenda
 - Public Comments
- V. Business Agenda
 - Public
 1. Consider a request for septic system on property located at the corner of Kitty Hawk and Bulldog Road – Amen Diesel/Dennis Gray
 2. Consider final plat approval of Boulevard Plaza PUD, Phase 2 – Platt & Platt Engineering/Paul Bittmenn
 - Staff
 3. Consider an ordinance making changes to the personnel policy – Natasha Hirschi
 4. Consider bids for the Interstate 15 billboard signs – Danny Stewart
 5. Consider surplus property for auction – Ryan Marshall & Corey Childs

Dated this 31st day of August, 2015.


Renon Savage, MMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 31st day of August, 2015.


Renon Savage, MMC
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

**CEDAR CITY
COUNCIL AGENDA ITEM ()
STAFF INFORMATION SHEET**

Council Meeting Date: September 2, 2015

City Staff Contact: Jonathan Stathis/Darrell Olmsted

Request: **Consider allowing a septic system for Amen Diesel.**

Request Explanation: The proponent is requesting to install a septic system for the proposed Amen Diesel building on Lot 5 of the Homer Boys Minor Lot subdivision as shown on the attached map. By ordinance, a septic system may only be allowed if the applicant's property is more than 300 feet from the closest City sewer main and at least 0.5 acres in size. The proponent's property is located 336 feet from the nearest City sewer main and is 2.50 acres in size.

By ordinance, if the septic system is approved, then the applicant will be required to enter into an agreement with the City to extend the sewer main across the property's frontage when the City sewer line comes within 300 feet of the property and to not protest a special improvement district for the installation of the same. A draft copy of the proposed agreement is included. The City Legal Department is in the process of reviewing the agreement and Amen Diesel also needs to review the agreement.

Septic tank density can also be an issue. This new septic system would create a density of approximately 84 acres per septic system, which is greater than the 15 acres per system that is recommended.

The property can be served by sewer from the north side of Coal Creek. The sewer line was designed to be able to go underneath Coal Creek to serve the area on the south side of the channel. The sewer line would be quite deep and it has been designed to provide sewer service to the Homer Boys Minor Lot subdivision.

SEWER SEPTIC SYSTEM AGREEMENT

THIS AGREEMENT, is made and entered into this ____ day of _____, 20____, by and between Amen Diesel, herein referred to as CITIZEN, and Cedar City, a municipal corporation organized and existing under the laws of the State of Utah, herein referred to as CITY.

WITNESSETH:

WHEREAS, CITIZEN owns property located at _____ in Cedar City, Utah, said property being more particularly described as follows:

INSERT LEGAL DESCRIPTION OF PROPERTY.

;and

WHEREAS, CITIZEN has requested to install a sewer septic system on said property;
and

WHEREAS, said building site, is not within 300 feet of a City sewer line, and pursuant to City Ordinance 30-9 is eligible for installation of a septic system as long as the property owner agrees to pay their cost of installing and hook up to the sewer once the sewer system is within 300 feet of CITIZEN's property;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. CITIZEN may install a sewer septic system on said property located at _____, Cedar City, Iron County, Utah, subject to this Agreement.
2. Pursuant to Cedar City Ordinance 30-9, CITY agrees to waive the mandatory use of sewer system requirement.
3. CITIZEN agrees to pay for and extend the sewer line to and across their property when the sewer line comes within 300 feet of the property. The cost shall include all property easements across CITIZEN's property as well as the actual cost to construct the extension of the sewer line across CITIZEN's property.
4. CITIZEN agrees to not protest the establishment of any special improvement district for the installation of sewer line to serve his property.

5. CITIZEN agrees not to protest any special improvement district assessment levied against his property for the installation of the sewer line to his property.
6. CITIZEN agrees to pay for and connect to any sewer line extended to serve his property and pay the appropriate fees.
7. This Agreement shall be recorded in the office of the Iron County Recorder on the chain of title to CITIZEN's property which is identified as having Iron County Serial number _____ and Iron County Tax Identification number _____.
8. This Agreement shall attach to the real property described herein as well as bind the current owners, their heirs, legal representatives, successors, and assigns.

IN WITNESS WHEREOF, the parties have set their hands the date and year first written above.

CITY:

MAILE WILSON, MAYOR

[Corporate Seal]

ATTEST:

RENON SAVAGE, CITY RECORDER

STATE OF UTAH)
 :SS.
COUNTY OF IRON)

This is to certify that on the ____ day of _____, 20____, before me, the undersigned, a Notary Public, in and for the State of Utah, duly commissioned and sworn as such, personally appeared Joe Burgess, known to me to be the Mayor of Cedar City Corporation, and Renon Savage, known to me to be the City Recorder of Cedar City Corporation, and acknowledged to me that he the said Joe Burgess and she the said Renon Savage executed the foregoing instrument as a free and voluntary act and deed of said corporation, for the uses and purposes therein, and on oath state that they were authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the

day and year hereinabove written.

NOTARY PUBLIC

CITIZEN:

STATE OF UTAH)
 :SS.
COUNTY OF IRON)

On this ____ day of _____, 20____, personally appeared before me
_____ who duly acknowledged
to me that he/she/they signed the above and foregoing document.

NOTARY PUBLIC

MINOR LOT SUBDIVISION FOR: HOMER'S BOYS LLC

LOCATED IN THE SW 1/4 NE 1/4 & NW 1/4 SE 1/4 SEC 3, T36S, R11W, SLB & M
CEDAR CITY, IRON COUNTY, UTAH

J.D. INDUSTRIAL PLD. "AMENDED"
(NOT PART OF THIS SURVEY)



VICINITY PLAN



PROJECT LEGEND

- SET 1/2" BY 37" REBAR W/ PVC CAP T14457 & ST. "Y" POST
- FOUND REBAR BY OTHERS AS DESCRIBED
- CALCULATED CORNER POSITION (NOT SET)
- EXTENDING FENCE EXISTING
- OVERHEAD POWER LINE W/ POLES
- FOUND LOT BLASS CAP P.E. MARKER AS DESCRIBED
- FOUND 1/4" ON SECTION CORNER AS DESCRIBED
- CALCULATED POSITION OF 1/4" ON 1/4 CORNER AS PER THE
- MAP INDICATES RECORD LINE INFORMATION
- FOUND SUBDIVISION RECORD FROM PIONEER SURVEY

SURVEYOR'S CERTIFICATE

I, JAMES E. SUTHERLAND, PROFESSIONAL SURVEYOR NUMBER 114457, BEING A LICENSEE IN ACCORDANCE WITH TITLE 16, CHAPTER 2, PART 1, UTAH CODE ANNOTATED, DO HEREBY CERTIFY THAT I HAVE PERSONALLY CONDUCTED A SURVEY OF THE ABOVE DESCRIBED LOT SUBDIVISION, AND THAT THE SAME IS ACCURATELY REPRESENTED ON THIS PLAN.

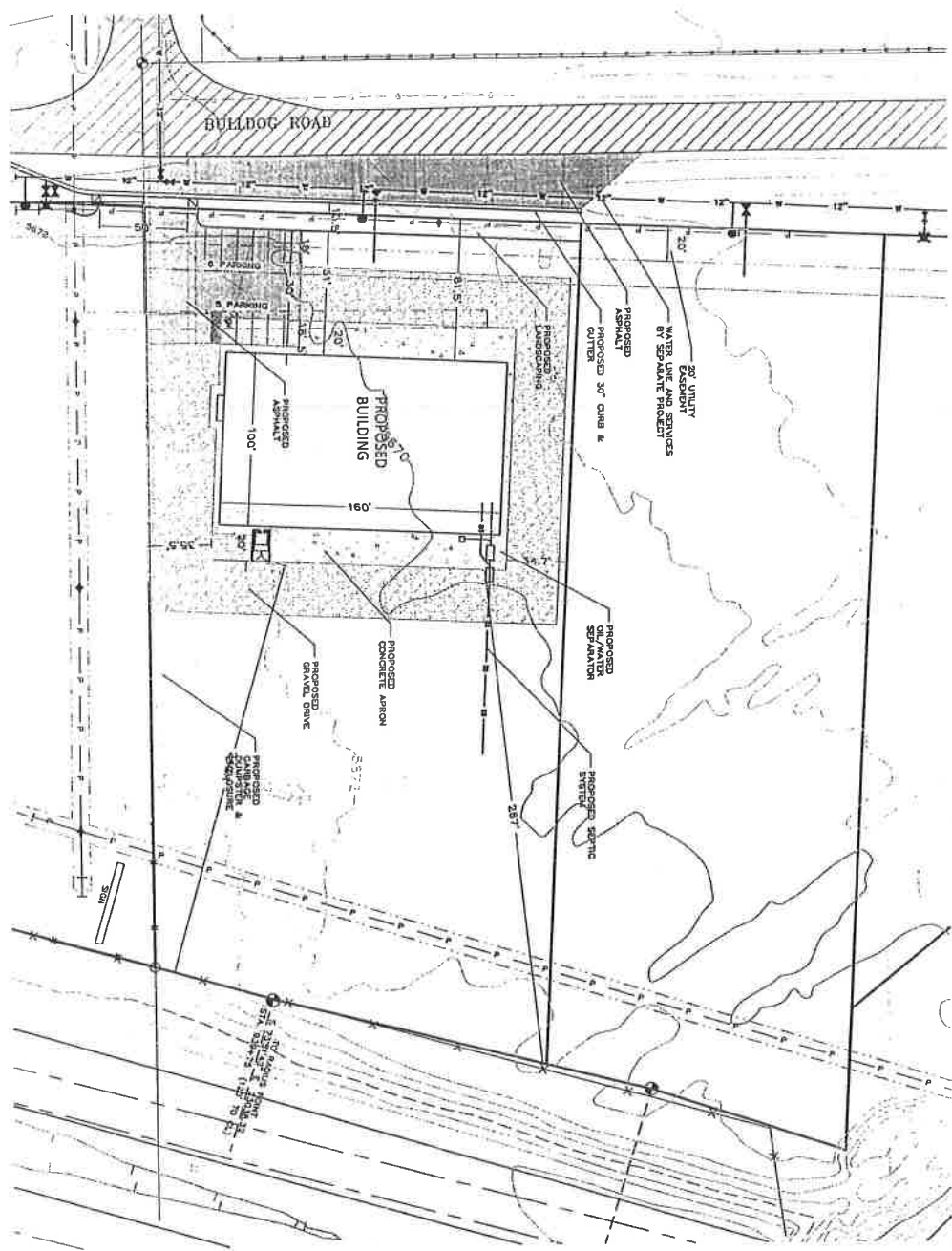
WITNESSED BY ME, JAMES E. SUTHERLAND, SURVEYOR, ON THIS 15th DAY OF APRIL, 2014, AT CEDAR CITY, UTAH.

DATE

InSite Engineering, P.C.
1000 W. 1000 N. SUITE 100
CEDAR CITY, UTAH 84202
PHONE: (435) 421-1100
FAX: (435) 421-1101

MINOR LOT SUBDIVISION
HOMER'S BOYS LLC
180 NORTH BULLDOG ROAD
CEDAR CITY, IRON COUNTY, UTAH

1 OF 2



SITE/UTILITY PLAN
SCALE 1"=20'



PRELIMINARY NOT FOR CONSTRUCTION

PROJECT LEGEND

1"	NEW WATER LINE (DUAL IRON)
1"	EXISTING WATER LINE
1"	EXISTING SANITARY SEWER
1"	EXISTING UNDERGROUND POWER
1"	EXISTING UNDERGROUND TELEPHONE
1"	EXISTING GAS LINE
1"	EXISTING FRESH OIL/OIL LINE
1"	EXISTING SINKER MANHOLE
1"	EXISTING FIRE HYDRANT
1"	NEW GATE VALVE
1"	EXISTING WATER VALVE
1"	SECTION CORNER AS DESCRIBED
1"	EXISTING ASPHALT
1"	PROPOSED ASPHALT

SITE/UTILITY PLAN FOR
AMEN DIESEL
BULLDOG ROAD
CEDAR CITY, UTAH

InSite Engineering, P.C.
Civil Engineers - Land Surveyors - Land Planners
1000 W. 1000th Street, Suite 100
Cedar City, Utah 84700
PHONE: (435) 735-1000

REVISIONS

NO.	DESCRIPTION	DATE	BY

1 OF 1
SHEET NO.
JOB NO.
DATE: JUL 1, 2008
SCALE: 1"=20'

CEDAR CITY COUNCIL
AGENDA ITEMS - 2
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: August 31, 2015

SUBJECT: Consider Final Plat approval for Boulevard Plaza PUD, phase 2

DISCUSSION:

Boulevard Plaza is a commercial Planned Unit Development located in the vicinity of 1000 South Main Street. Phase 1 is currently home to Boulevard Home Furnishings and Christensen's Clothing Store. Phase 2 will add approximately 3.5 acres of land to the South of the existing buildings to the Boulevard Plaza PUD.

The owners have paid the appropriate fees. The title report shows the owners on the plat are the owners of records. Taxes are current on the property. The owners have provided documentation to be recorded with the plat that will incorporate phase 2 into the Boulevard Plaza owners association. The owners have also posted 2 separate bonds. The first bond is secured by a letter of credit and intended to secure the phase 2 development costs. The second bond is a cash bond intended to secure the future improvements along Main Street. We have provided 2 bond agreements to the developers, one for each bond.

Attached are the minutes from the planning Commission. Please consider approval of the Boulevard Plaza PUD, phase 2.

CEDAR CITY PLANNING COMMISSION

MINUTES

March 3, 2015

The Cedar City Planning Commission held a Meeting on Tuesday, March 3, 2015 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Kristie McMullin- Chair, Rich Gillette, Fred Rowley, Mike Mitchell, Mary Pearson, and Jill Peterson

Members absent: Kent Peterson – excused,

Staff in attendance: Kit Warcham, Larry Palmer, Paul Bittmenn Jonathan Stathis and Michal Adams

Others in attendance: Bob Platt, Dave Thomas-Boulevard, Kim & Lori Stonehouse, and Tim Watson

The meeting was called to order at 5:14 p.m.

<u>ITEM/ REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/ PRESENTER</u>
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I. Regular Items

- 1- Approval of Minutes (February 3, 2015)
(Approval)

Fred moved to approve the minutes of February 3, 2015, seconded by Jill and the vote was unanimous.

- 2- **PUBLIC HEARING**
PUD Vicinity Boulevard Plaza PUD Phase 2 Wittwer/Platt & Platt
(Recommendation)

Bob Platt presented. He said that last year they created the Boulevard Plaza PUD phase 1 which consisted of 3 parcels; the one the Boulevard Furniture store is on, the one that is now the new Christensen's store, and the front parcel that is still vacant. This is Phase 2 which consists of the remaining parcel as just 1 parcel.

Fred asked about the finger to the south and wondered if that would become an access into this development. Bob explained that it was quite steep, would be addressed during construction, but also pointed out the two accesses they now have coming off Main Street.

Kit and Larry pointed out that they would need to do all the frontage improvements along that finger during construction.

Fred then pointed out the owners on the sides of that finger, and wondered about the possibility of them selling that off to one of them. He was told that could be possible, they would need to amend this PUD in order to do that so that is not in the cards at this time.

Bob said this phase 2 is about 3.5 acres and they have given the notifications to all property owners within 300'.

The Stonehouse's were present who were neighbors, but had no comments.

Jill said that she needed to disclose that she had family interests in the Christensen's store which was part of this Phase 1.

Kristie opened the PUBLIC HEARING. There were no comments given. Kristie closed the PUBLIC HEARING.

Rich made a motion to give a positive recommendation to City Council for this Phase 2 of the Boulevard Plaza PUD. Seconded by Fred and the vote was unanimous.

3- PUBLIC HEARING

PUD Vicinity

Villas at Sunset Canyon Phase 2

Burgess/Watson Eng.

(Recommendation)

No one present from Burgess or Watson Engineering.

Jill moved to table Item #3 including the public hearing to the next meeting. Seconded by Mary and the vote was unanimous.

Tim Watson arrived later in the meeting.

Jill moved to un-table Item #3, seconded by Mary and the vote was unanimous.

Tim Watson presented. He said that they are requesting the Vicinity of the Villas at Sunset Canyon PUD Phase 2. It was brought in back in 2014 to change the zone. Since then, the ordinance was revised and now they are going back 1 step to start this approval process. This consists of 12 lots; it is all zoned R-2 and is just east of Cross Hollow Road a little further south than the equestrian arena.

Fred wanted to clarify that this was already touching or was it detached from the road. Kit explained how this was not contiguous to Phase 1 due to the city road in between the two phases. They have gone to Board of Adjustments for that being non-contiguous. It is not a gated community. The City streets on both sides of this PUD were put in place when they developed the Sunset Canyon Subdivision. The PUD came later.

Kristie opened the PUBLIC HEARING. There were no comments. Kristie closed the PUBLIC HEARING.

Fred wondered about this appearing on City Council tomorrow, and these minutes not being approved yet. Just because it does appear at City Council does not mean it will be approved. Kit said that his was coming thru the process between the old and new PUD ordinances. Kit will make sure that all council members have a copy of these minutes prior to the City Council meeting. They will just be the preliminary minutes at this point.

Fred moved to give City Council a positive recommendation for the Villas at Sunset Canyon PUD Phase 2, seconded by Rich and the vote was unanimous.

CEDAR CITY COUNCIL
AGENDA ITEM 3

INFORMATION SHEET

TO: Mayor and City Council

FROM: Rick Holman

DATE: August 31, 2015

SUBJECT: Compensation Policy

DISCUSSION: In June, the City Council passed an ordinance adopting the Cedar City Compensation Plan. This was the result of compensation study conducted by Personnel Systems and Services (Mike Swallow). From the Compensation Plan, a salary schedule was created for each full time position in the City. In addition, a method of review for positions was established which will allow staff to determine the relative “value” within the organization. The value is based on a point system according to various job factors. The review method and process is a positive step for addressing job classification issues.

A major change for the City’s Compensation Plan was modifying the Grade and Step schedule to a Range for each position. Again, this is based on the point/valuation method – each position is assigned a salary range based on the point value from the job-factor assessment.

Following the adoption of the Compensation Plan, the City’s Personnel Policy needed to be updated accordingly. The purpose of these suggested changes is to have the applicable sections of the Policy reflect the results of the Compensation Plan.

There are some “housekeeping” changes in the Personnel Policy. They will be noted as HK.

The following changes are proposed for the Council’s consideration.

Chapter 4 – Employment Status

- **4.6.1 Promotions** Because of the change from Grade/Step, new language was needed to address the salary change for a promoted employee.
- HK 4.1.3 Changes in Exempt job titles
- 4.7.1 Clarifying a Transfer
- 4.8 Clarifying the Reassignment of an employee.
- 4.9 Clarifying when a Personnel Action Form is to be completed

Chapter 5 – Separation from Employment

- 5.7.1 Staff is recommending that once an employee decides to retire from the City, they are able to use accumulated leave until their retirement date. However, they will not be able to accrue any leave/holiday time during that period.

Chapter 7 – Compensation and Work Hours This chapter contains many of the changes generated through the Compensation Plan.

- 7.1 Compensation Philosophy
- 7.2 Detailed methodology of the Compensation Plan
- 7.5 Classification of Positions section is being changed to section 7.2.3
- 7.6 Modifies the period of time when an employee is eligible for “Out-of-Class” pay.
- 7.7 Addresses “New Employee” salary guidelines
- 7.9 Performance Appraisals and Merit Increases. A designated time frame for annual performance evaluations. Staff is recommending a goal of a 2.5% merit increase (depending on the budget) for employees who meet satisfactory performance. Policy also addresses employee evaluations that are below satisfactory. Non-exempt and Exempt positions use the same policy.

Chapter 8 – **Benefits**

- 8.11 Annual Leave has been changed to have no leave time accrued during the first six months of employment. At the end of probation, an employee will receive half of the first year’s accrual and the appropriate accrual rate will begin. If a new employee wants time off during the first six months of employment, it would be without pay.
- 8.12.1 Clarifies that Sick Leave will begin accruing when a new employee is hired.

CEDAR CITY ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CEDAR CITY PERSONNEL POLICY

WHEREAS, pursuant to authority granted to Cedar City by Title 10 of the Utah Code Cedar City has adopted an ordinance setting forth its Personnel Policy related to employee working conditions, employee benefits, and other policies relating to employment; and

WHEREAS, Cedar City has recently hired an independent consultant to conduct an evaluation of the compensation paid to its employees; and

WHEREAS, the Cedar City Council has adopted the pay scale in the compensation; and

WHEREAS, consistent with the results of the adopted compensation study amendments to the Cedar City Personal Policy are necessary; and

WHEREAS, staff has recommended additional amendments to the City's Personnel Policy in order to keep ongoing practices in line with the City's adopted policies; and

WHEREAS, the Cedar City Council has considered the proposed changes contained herein during open and public meetings held during September, 2015; and

WHEREAS, after considering the proposed changes to the City's Personnel Policy and the input, if any, received during the open meetings the City Council finds that the proposed changes to the City's Personnel Policy are reasonable and necessary.

NOW THEREFORE be it ordained by the City Council of Cedar City, State of Utah, that Chapter 4 of the City's Personnel Policy is hereby amended as reflected below to delete the struck through language and include the underlined language:

CHAPTER 4 – EMPLOYMENT STATUS

4.1 Appointed Positions.

4.1.1 The following positions are exempt positions that are appointed by the Mayor with the consent of the City Council: City Manager, City Attorney, City Engineer, Public Works Director, Finance Director, Police Chief, Fire Chief, Economic Development Director, Library Director, Leisure Services Director. The following are non-exempt positions appointed by the Mayor with the consent of the City Council; City Recorder, and City Treasurer.

Amended by Resolution Numbers. 11-0309-1 and 13-1023-1.

4.1.2 Appointed employees are part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this handbook, with the following exception:

- A. Unless state law requires otherwise and with the exception of the City Recorder and the City Treasurer, all appointed positions shall serve at the pleasure of the governing body of the City and may be dismissed by a majority vote of the governing body at any time with or without cause provided at least five (5) members of the governing body and the City Manager, are present at the time the ballot is taken however, and notwithstanding the foregoing, the above-named officers shall not be removed from office other than for cause, during or within the period of forty-five (45) days succeeding the date any member of the governing body takes office following any general municipal election held in the City at which a member of the City Council is elected; the purpose of this provision is to allow any newly-elected members of the City Council or a reorganized City Council after taking office to directly observe the actions and ability of the above-named officers in the performance of their office and duties. After the expiration of said forty-five (45) day period, the provisions of this paragraph regarding removal by the governing body shall apply and be effective.

Amended by Resolution Numbers 11-0309-1 and 13-1023-1

4.1.3 The following positions are exempt: Assistant City Attorney, Senior Engineer, Project Engineer, Chief Building Official, Fleet Manager, Golf Division Manager, ~~Heritage Center/Events Director~~ Coordinator, ~~Outdoor Facilities Manager~~ Parks Division Manager, Police Lieutenant, Fire Marshall, Streets Superintendent, Water Superintendent, Wastewater Superintendent, and Airport Manager.

Enacted by Resolution 13-1023-1

Amended by Ordinance

4.2 Probationary Employees.

4.2.1 All new employees are required to serve at least a six (6) month probationary period. This period is designed to acquaint the new employee with his/her position and to allow the Department Head to evaluate fairly the employee's ability and aptitude to do the job. If an employee's performance is not

satisfactory, he/she may be terminated at any time, without right of appeal, during this period. Probationary period may be extended in accordance with Section 7.8.

4.3 Regular Full-time Employees.

- 4.3.1 Regular full-time employees are those employees who are scheduled to work 40 hours per week for the City and have worked for the City at least six months. Regular full-time employees must have successfully completed their probationary period.

4.4 Regular Part-time Employees.

- 4.4.1 Regular part-time employees are those employees who are scheduled to work less than forty hours per week for the city and have worked for the City at least six months, having successfully completed their probationary period. Employees will be eligible for sick leave, vacation, holiday and retirement benefits proportionate to hours worked. Only employees working thirty (30) hours per week or more shall be eligible for insurance benefits.

Amended by Cedar City Resolution No. 14-0827-1.

4.5 Part Time, Seasonal, and Variable Hour Employees.

- 4.5.1 Part time employees shall mean an employee that provides twenty eight (28) hours of service per week or less.¹

Seasonal employee shall mean an employee that is employed for a maximum of twenty six (26) weeks during a twelve (12) month period.

Variable hour employee shall mean an employee that is not a full time employee, part time employee, or seasonal employee; and that by designation or practice works variable hours.

- 4.5.2 Unless otherwise specifically stated elsewhere in this policy, part time employees, seasonal employees, and variable hour employees shall not qualify for benefits provided for in this policy and are not eligible for due process and procedural protections provided for in this policy.

¹ Until the City is required to comply with the affordable care act part time workers shall be those City employees who work thirty two (32) hours or less per week. Once the City is required to comply with the provisions of the affordable care act the definition of part time workers limiting part time workers to twenty eight (28) hours per week will automatically become a part of the policy.

Amended by Resolution Number 13-1023-1

4.6 Promotions.

- 4.6.1 A ~~promoted promotion~~ employee is where an employee who, through a recruitment, is promoted into a new position with a point value at least .75 point more than their current position. ~~A promoted employee will begin a new probationary period, beginning the effective date of the promotion and is eligible for a step increase at the end of probation.~~ A promoted employee shall receive at least the minimum of the new salary range unless an incumbent is below the minimum of the range. Then a promoted employee will receive the salary range of the lowest incumbent. If the employee is within the salary range of the new position they shall receive at least a 2.5% percent the step of the new grade which provides a one step increase over his/her former salary, ~~if the promoted employee is promoted within six months or more from his/her last evaluation. If the employee is promoted six months or more from his/her previous evaluation, the employee may be eligible for an increase equivalent to at least a two step increase.~~

Amended by Ordinance

- 4.6.2 ~~If a promoted employee's performance is determined by the City to be unsatisfactory, the City shall notify the employee in writing of his/her failure to complete probation and the employee may be reinstated to another similar position depending on availability and employee's qualifications. If an available position is in another department, both departments heads will agree on the Placement.~~

- 4.6.3 If a non-exempt employee is promoted to an exempt position any accrued compensatory time will be paid out at the employees non-exempt salary.

Enacted by Ordinance

4.7 Transfers.

- 4.7.1 A transfer, for purposes of this section, is defined as a City initiated move of an employee ~~from one department to another in the same or equivalent job classification,~~ and should not be confused with the managerial function of moving personnel from one division or office to another within the same department by promotion, demotion or reassignment.

Amended by Ordinance

- 4.7.2 Transfers must be cleared with Department Heads and City Manager. A transferring employee must be qualified for the job to which he/she is being transferred. A transferred employee shall retain all accumulated sick leave and annual leave. A transferred employee shall not be required to serve a new probationary period. A transferred employee shall be paid at the salary provided for the new job classification.

Amended by Ordinance _____

4.8 Reassignment.

- 4.8.1 A reassignment, for purposes of this section is defined as a city initiated move of an employee within the same department or division with the same equivalent job classification and does not change pay.

Enacted by Ordinance _____

- 4.9 ~~7.6.3~~ Personnel Action Form. ~~In an effort order to ensure that salary adjustments are based upon an employee's current performance,~~ document all personnel actions ~~that result in a change (employment status, address change, name change, etc.)~~ in compensation will be initiated with a Personnel Action Form. ~~The form will be completed by the employee's supervisor. Prior to becoming effective, the Supervisor will forward the form to Human Resources for review.~~

Amended by Ordinance _____

NOW THEREFORE be it further ordained by the City Council of Cedar City, State of Utah, that Chapter 5 of the City's Personnel Policy is hereby amended as reflected below to delete the struck through language and include the underlined language:

CHAPTER 5 – SEPARATION FROM EMPLOYMENT

5.1 Reduction in Force.

- 5.1.1 Selection of an employee for a reduction in force should be based upon the individual's ability to perform the work assignments within the affected department, and his/her years of service with the City. The weights given to these factors should be 75% performance and 25% seniority. Seniority should govern the selection when ability is equal.

- 5.1.2 Employees on lay-off status who are rehired within twelve (12) months of their separation will be reinstated with no reduction of longevity benefits.
- 5.1.3 Prior to an employee being dismissed due to reduction in force, a predetermination hearing will be conducted which requires: (a) Written notice of the reason for the reduction; an explanation of how the employee was selected; and (b) An opportunity for the employee to prepare and present their side of the situation. The hearing shall be conducted by the Department Head and Human Resources.
- 5.1.4 If, after the hearing, the decision is still made to lay-off the employee, the employee will receive written notice including:
- A. Notice of the proposed lay-off;
 - B. Date(s) lay-off will be effective;
 - C. Reasons for the lay-off; and
 - D. Full time employee's right to appeal the decision according to the appeal procedures in cases of discharge or transfer found in chapter ten (10) of this policy.

Amended by Resolution Number 13-1023-1

5.2 Resignation.

- 5.2.1 Whenever an employee resigns, an exit interview shall be conducted by the Department Head and City Manager or designee. Employees who resign and desire to leave the City in good standing should give a minimum of two (2) weeks notice if they are to be considered for re-employment at a future date.

5.3 Abandonment of Position.

- 5.3.1 One unauthorized absence may constitute cause for separation. An Employee who fails to call their supervisor to report their absence for one (1) working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and may have his/her employment with the City terminated.

5.4 Termination.

- 5.4.1 Termination of employment may occur as a result of the employee's failure, in some instances, to satisfactorily complete a probationary period, as a result of disciplinary action, or at will. Terminated employees shall be notified according to DISCIPLINARY PROCEDURES of this handbook. At-will employees and those in probationary status (except promotional probation) have no appeal rights.

5.5 Re-employment.

- 5.5.1 A re-employment list for a classification consists of the names of former employees having regular status and who have been laid off. Such list shall take precedence prior to recruiting for the position. A re-employment list is established for a period of one year from the date of separation.

5.6 Severance Pay.

- 5.6.1 When a permanent employee is separated from City employment because of a reduction in force through no fault of the employee, and when such a separation requires immediate action, thereby not permitting a two (2) week notice, the employee shall be paid two (2) weeks severance pay in lieu of the two (2) week notice.

5.7 Separation Pay.

- 5.7.1 When an employee resigns, retires or is terminated, they shall be required to return all tools, safety helmets and other property, and to clear all financial obligations to the City prior to receiving their final paycheck. The Supervisor shall attach an Exit Interview form to the final time sheet. Final paychecks shall include compensation for the balance of annual leave and comp time. A terminated employee's check will be provided within twenty-four (24) hours of the termination date. A resigning employee's final check will be provided the next pay period after final work day. ~~Leave time may be used through the end of the month after the final work day.~~ A retiring employee may use accrued vacation and/or accrued compensatory time ~~leave time~~ up to two months after final work day. All leave accruals defined by this policy will stop on the retiring employees last physical work day.

Amended by Ordinance No. _____

NOW THEREFORE be it further ordained by the City Council of Cedar City, State of Utah, that Chapter 7 of the City's Personnel Policy is hereby amended as reflected below to delete the struck through language and include the underlined language:

CHAPTER 7 – ~~WORK HOURS AND COMPENSATION~~ AND WORK HOURS

7.1 Compensation Philosophy

Cedar City Corporation is committed to providing quality service in all operations. To meet the expectations of the community, the city needs to recruit retain and motivate a quality workforce.

7.1.1 To be effective, compensation including salary and benefits must be fair and competitive.

Enacted by Ordinance No. _____

7.2 Compensation Plan

7.2.1 In 2015 Personnel Systems and Services conducted a salary survey and provided the city a compensation plan that was based on internal equity and external market data. The City selected approximately fifteen other municipal agencies as market participants. All City job ~~classifications~~ descriptions were ~~are~~ comparatively evaluated on a set of common factors (responsibility, job knowledge, difficulty of work, and work environment) and ~~are~~ were assigned a ~~grade or grades~~ point value using the point value matrices. Each position's point value and market salary data determined the salary range for the position. All employees hired for regular full-time or regular part-time will receive compensation according to the ~~classification~~ range of the position for which they are hired.

Amended by Ordinance No. _____

7.2.2 7.6.1 The City compensation plan for ~~non-exempt~~ regular full time and regular part-time employees consists of ~~grades~~ a salary ranges and ~~steps~~ for each position that has been adopted by the City Council. Merit and Cola increases are determined by the Mayor and approved by the City Council in conjunction with the City's Budget Process. A grade is a specific salary range and a step is an increment of salary increase within a grade. The ~~grade~~ range an employee is assigned is determined by his/her job ~~classification~~ the job description as valued through the point value method. The compensation plan for exempt employees includes salary ranges as determined by the City Council

Amended by Ordinance No. _____

- 7.2.3 In order to provide organizational consistency, a compensation committee will review all new job descriptions and reclassification requests. The committee will consist of three Department Heads (assigned by the Mayor), Human Resources, and the City Manager. The Department Head making the request for a new job description or reclassification will be part of the evaluation process for that position. The committee will evaluate each position using the common factors and assign a point value to the position to determine the positions salary range.

Enacted by Ordinance No. _____.

- 7.2.4 ~~7.6.2~~ Cost-Of-Living - Cost-of-living adjustments shall be considered each year using Cost of Living information provided by Utah Retirement Systems and municipal agencies research. When it is determined that such an adjustment is warranted, a proposal will be made through the city budget. ~~by the City Council, and after considering the impact of such an adjustment on the City's budget~~

Amended by Ordinance No. _____

7.2 7.3 Non-exempt Employees.

- 7.23.1 The normal work week shall be forty (40) hours, unless otherwise specifically provided in departmental working rules.
- 7.23.2 An employee unable to report to duty on a work day shall notify the Department Head or his/her agent as soon as practicable before the beginning of work.
- 7.23.3 Time spent by employees which will be counted as hours worked for the purpose of determining overtime will include:
- A. Rest breaks of fifteen (15) minutes or less within each continuous four (4) hour work period;
 - B. Hours over and above the designated number of hours authorized in a work period, during which an employee is engaged in required attendance at lectures or meetings and the travel time associated with such attendance; and
 - C. City Holidays.
- 7.23.4 Time spent by employees which will not be counted as hours worked for the purpose of determining overtime include:

- A. Paid leave (this includes, but is not limited to vacation sick leave, and comp. time);
- B. Meal periods when relieved of duty; and
- C. Travel time between home and work.

7.23.5 Employees who have completed their work shift and have left the premises and then are required to return to work shall receive a minimum of one (1) hour of overtime. Hours worked in excess of the one (1) hour shall be compensated at the overtime rate.

7.23.6 Supervisors may determine that employees must remain at work or return to work for a work related emergency. Employees shall receive overtime for hours worked in excess of the regular shift for that day at the overtime rate.

7.23.7 Hours worked (up to 40) and leave time used during the 7-day work week shall be compensated at the employees regular pay rate. Overtime hours worked shall be paid at time and a half.

7.34 Exempt Employees.

7.34.1 Exempt employees are those who are in positions which have been determined to be exempt from overtime according to FLSA criteria. Exempt employees are salaried and shall be paid according to the salary schedule adopted by the City Council. Exempt employees are expected to work the hours required to complete their assignments and responsibilities.

7.45 Overtime.

7.45.1 Any time worked over forty (40) hours a week will be considered overtime, unless otherwise specifically provided. Overtime will be compensated at the rate of one and one-half the regularly hourly rate. Method of compensation, either monetary or comp-time off, shall be at the discretion of the supervisor. It is the City's policy to discourage the use of overtime. Supervisory personnel should, if possible, organize their department workload to avoid overtime payment. Overtime will be permitted in very exceptional circumstances, but should be kept to a minimum. Overtime work must have the prior approval of the supervisor.

7.56 Compensatory Time.

7.56.1 Compensatory time in lieu of monetary overtime compensation shall be earned at the rate of one and one-half hours of compensatory time for each hour of overtime worked. Employees may accrue up to 240 hours of comp time; (since comp time is accumulated at time and one-half, this is only 160 hours of actual overtime work). Employees who work in a public safety activity or emergency response activity may accumulate up to 480 hours of comp time. The 480-hour accrual limit does not apply to office personnel or other civilian employees who perform public safety activities in emergency situations, even if they spend substantially all of their time in a particular week on public safety activities.

7.57 Classification of Positions.

7.5.1 ~~All City job classifications are comparatively evaluated on a set of common factors and are assigned a grade or grades. All employees hired for regular positions (full time or part time) will receive compensation according to the classification of the position for which they are hired.~~

7.5.2 ~~Reclassification. If the duties and responsibilities of an employee change significantly, the Department Head should submit a request for reclassification to Human Resources, who shall perform an analysis of the classification and make the final recommendation for reclassification to the City Manager and the Mayor. A new probation period is not required with a reclassification.~~

7.5.3 ~~Reclassification Upward. Upgrading occurs when the analysis reflects a change in a position to a higher salary grade. Compensation increases are not automatically given in conjunction with an upgrade, unless it is to bring the employee up to the minimum of the new salary range~~

7.5.4 ~~Reclassification Downward. Downgrading occurs when the analysis reflects a change in a position to a lower salary grade. The employee shall be placed in the new salary grade at a level to receive what he/she was receiving at the old grade and shall be frozen until the new grade increases by salary adjustments to encompass the frozen salary.~~

7.67.2 Working out of Classification. An employee may be assigned or temporarily appointed to an out-of-classification position for a period of at least ~~fourteen (14)~~ forty five (45) and ~~not to exceed one hundred eighty (180) consecutive calendar days~~ upon recommendation of the Department Head and approval of the City Manager or designee. The out-of-class period may be ~~extended~~ adjusted due to unique circumstances, as approved by the City Manager.

Amended by Ordinance No.

- 7.67.3 Out-of-class compensation may be granted to an employee assigned to work in a higher classification for an extended period of time. Prior approval of the Department Head and City Manager is required. The pay shall be within the range for the new classification, and an increase in salary of no more than an additional 5% of the employee's current salary shall be approved unless it is necessary to bring the employee's salary up to the minimum of the new range.

~~7.6 Compensation Plan.~~

- ~~7.6.1 The City compensation plan for non-exempt employees consists of grades and steps. A grade is a specific salary range and a step is an increment of salary increase within a grade. The grade an employee is assigned is determined by his/her job classification. The compensation plan for exempt employees includes salary ranges as determined by the City Council.~~
- ~~7.6.2 Cost Of Living. Cost of living adjustments shall be considered each year when it is determined that such an adjustment is warranted by the City Council, and after considering the impact of such an adjustment on the City's budget.~~
- ~~7.6.3 Personnel Action Form. In an effort to ensure that salary adjustments are based upon an employee's current performance, all personnel actions that result in a change in compensation will be initiated with a Personnel Action Form. The form will be completed by the employee's supervisor. Prior to becoming effective, the Supervisor will forward the form to Human Resources for review. Moved to Chapter 4~~
- ~~7.6.4 Pay Advancement. The City will not make pay advances to employees.~~

~~Amended by Resolution Number 13-1023-1~~

7.78 Employee Performance and Salary Advancement.

- 7.78.1 New Employees. New Employees shall be assigned the ~~first or probationary step of the grade for the class~~ minimum salary of their range for their position. Unless otherwise provided for herein, if there is an incumbent in the position that is below the minimum for the range the new employee shall be assigned the same salary as the incumbent. The City Manager and the Mayor may approve appointment ~~to a higher within the range step~~ if: (1) an employee cannot be recruited for the position at the ~~probationary step minimum range~~; or (2) the qualifications of the individual selected exceed the minimum requirements and

the individual can be expected to perform at ~~the~~ a higher level. ~~equal to that of other individuals being paid at the same step.~~

Amended by Ordinance No. _____

7.78.2 Performance Appraisals. Performance Appraisals shall be completed for all probationary and regular full and part-time employees at regular intervals described herein. Also, additional performance appraisals may be conducted during the course of employment due to specific problems with performance or behavior of an employee. The purpose is to record recent job performance, setting goals and objectives, recognizing accomplishments and noting particular strengths and/or deficiencies. Performance appraisals shall also serve to assist the employee in improving performance and behavior as necessary.

7.78.3 Performance Appraisals shall be prepared by the employee's supervisor. The appraisal shall be discussed with the employee and he/she shall be given an opportunity to make written comments.

7.78.4 All performance appraisals will be accompanied by a personnel action form and shall be turned into Human Resources and then filed with the City Recorder. The employee shall be given a copy of the appraisal by the supervisor.

Amended by Ordinance No. _____

7.68.45 Pay Advancement. The City will not make pay advances to employees.

Amended by Resolution Number 13-1023-1

7.89 Probationary Employees/Non Exempt.

7.89.1 Probationary employees will have a performance appraisal (with form) by their supervisor at the completion of the sixth (6th) month from the date of employment. During the probationary period, supervisors are encouraged to provide meaningful employment feedback to the probationary employee. At the completion of the six (6) month probationary period, an employee who has established a satisfactory performance record will be eligible for regular status. ~~and a one-step salary increase within the grade. A probationary period may be extended if the Department Head feels more time is necessary to evaluate the employees performance and upon approval of the City Manager or designee. If the probation period is extended and then the employee attains regular status, the date of regular status establishes the anniversary date. Thereafter, while the employee remains within the same grade, the employee can expect to have an~~

~~annual performance appraisal, with his/her supervisor, on or before the anniversary date of the employee's probationary period completion.~~

7.910

Regular Full and Regular Part Time Employees/Non Exempt & Exempt

7.910.1

Regular full and regular part time employees shall receive a performance appraisal ~~on or before their anniversary date~~ between January 1st and February 15th each year. ~~If, through a performance appraisal a merit increase is not awarded, the employee's anniversary date does not change. A supervisor may grant a merit increase after satisfactory performance is achieved. An employee's anniversary date can be changed for assignment to a different position. It is the goal of the City to grant a minimum 2.5% merit increase annually after satisfactory performance has been achieved (3.0 or higher on annual evaluation). Once the City Council has approved a budget and upon commencement of the budget period supervisors may grant the budgeted merit increase to employees who have achieved satisfactory performance. If an employee receives an unsatisfactory evaluation (2.9 or below on annual evaluation) the merit increase will be withheld for a minimum of six months. At the end of the six month period, another performance evaluation will be done. If satisfactory performance has been achieved, the employee will be eligible for a merit increase (merit increases will not be retroactive). If the employee doesn't meet satisfactory performance, supervisors shall follow the progressive discipline policy.~~

Salary adjustments are effective for all non-probationary employees the next fiscal year budget. Probationary employees hired before the start of the fiscal year will be eligible for an increase after they successfully complete probation. Employee's hired after the start of the fiscal year will be eligible for an increase the next fiscal year budget.

Amended by Ordinance No. _____

7.910.2

In addition to the aforementioned minimum performance evaluation interviews, a supervisor may evaluate an employee at any time, especially if some noteworthy incident occurs, either good or bad. The information should be added to the employee's file.

7.10

Exempt Employees.

~~7.10.1 Exempt employees shall receive their performance appraisals before March 31st. Appraisals will include a review of performance and salary adjustments according to the City's exempt employee salary plan. Salary adjustments are effective with the next fiscal year budget.~~

NOW THEREFORE be it further ordained by the City Council of Cedar City, State of Utah, that Chapter 8 of the City's Personnel Policy is hereby amended as reflected below to delete the struck through language and include the underlined language:

CHAPTER 8 – BENEFITS

8.1 Eligibility for Health Insurance.

8.1.1 The City will make health insurance available to regular full-time employees and their dependents. Health insurance coverage will also be available to elected officials. Payment for health insurance premiums is subject to yearly budget allocations and individual employee eligibility as defined herein. Health insurance coverage begins on the first day of the month following the date of employment and ends on the day of separation.

8.1.2 For purposes of this section the following definitions will apply:

“Administrative period” shall mean a period of time not exceeding thirty (30) days after the measurement period has ended and prior to the beginning of the stability period during which Cedar City may evaluate the results of the measurement period.

“Full time employee” shall mean: (1) an employee that is regularly scheduled to provide thirty (30) or more hours of service per week or in excess of one hundred and thirty (130) hours of service per month and is not classified as a seasonal employee; or (2) an employee that averages thirty (30) or more hours of service per week or in excess of one hundred and thirty (130) hours of service per month during an applicable measurement period.

“Hours of service” shall mean hours when work is actually being performed; and hours where no work was performed and the employee was using leave time.

“Leave time” shall mean an employee's use of any of the paid leave benefits defined under the terms of Cedar City's personnel policy. Unpaid leave will not be considered leave time unless the unpaid leave qualifies as special unpaid leave time and it is anticipated that the employee shall return to service once the leave time is used.

“Measurement period” shall mean either the initial measurement period or the standard measurement period. The initial measurement period shall only be used for the first year of employment for an employee that is hired and classified as a variable hour employee. All other references to the measurement period shall refer to the standard measurement period. The initial measurement period shall mean a continuous twelve (12) month period beginning the first day of the month following the employee’s date of hire. The standard measurement period shall mean the same twelve month period that is designated by law as the City’s fiscal year.

“Non-service” shall mean a period of time when an individual is not employed by Cedar City. Non-service is different than leave time in that during leave time there is a mutual expectation that the employee is still employed by Cedar City. During non-service time there has been an event that has terminated the mutual expectation of continued employment. Examples of such events include, but are not limited to, retirement, termination of employment, layoff, quitting.

“Part time employee” shall mean an employee that provides twenty eight (28) hours of service per week or less.

“Seasonal employee” shall mean an employee that is employed for a maximum of twenty six (26) weeks during a twelve (12) month period. For purposes of considering provision of health care benefits there is not a limit on the number of hours of service per week a seasonal employee may provide. Seasonal employees shall not qualify for health care benefits paid by Cedar City. All provisions of the Fair Labor Standards Act, and other applicable state and federal law are not impacted by this definition of seasonal employee.

“Special unpaid leave” shall mean unpaid leave taken by the employee pursuant to the Family and Medical Leave Act, the Uniform Services Employment and Re-employment Rights Act, and unpaid leave for jury duty.

“Stability period” shall mean a period of time equal in length to the immediately preceding measurement period during which if the employee continues to work for Cedar City, and it was determined based on the measurement period that they qualify for health care benefits, then the City in accordance with its practices and policy shall provide health care benefits.

“Variable hour employee” shall mean an employee that is not a full time employee, part time employee, or seasonal employee; and that by designation or practice works variable hours. Employees that were originally designated as

part time or seasonal and that work more hours than originally planned may be reclassified as variable hour employees. Variable hour employees shall have their hours of service measured by the measurement period and if they qualify for health care benefits receive health care benefits during the stability period.

- 8.1.3 Subject to yearly budget allocations and in compliance with all other provisions of State and Federal Law, Cedar City shall offer health insurance coverage and pay the health care insurance premiums for all full time employees. Also Cedar City shall offer health insurance coverage and pay the health care insurance premiums for all variable hour employees during the stability period as long as during the applicable measurement period the variable hour employee has provided an average of thirty (30) hours of service.

The health care plan offered by the City shall, at a minimum, be of such a nature and contain such coverage as is required by State and Federal law. The City's payment of health care insurance premiums shall, at a minimum, comply with the provisions of State and Federal law.

- 8.1.4 The City will not will not pay the health care insurance premiums for: (1) part time employees; (2) seasonal employees; and (3) variable hour employees that average less than thirty (30) hours of service per week or one hundred and thirty (130) hours of service per month during the applicable measurement period.

- 8.1.5 For employees other than variable hour employees, when determining the hours of service an employee provides to the City the City shall use the actual hours of service provided by the employee.

For employees that are either pre-determined to be variable hour employees or that become variable hour employees during the course of their employment the number of hours of service provided to the City shall be determined by using the actual hours of service provided during the measurement period.

In determining the number of service hours provided by variable hour employees during the measurement period the City shall average the hours of service per week during the measurement period excluding the special unpaid leave period. If the average number of hours of service equal or exceed thirty hours, then the City will provide health insurance and pay the associated premiums during the stability period.

- 8.1.6 If the City hires an employee that has previously provided hours of service to the City these employees shall be classified as either newly hired employees or as a

continuing employee. An employee that is re-hired after twenty six (26) consecutive weeks or more of not working for the City is considered a newly hired employee. An employee that is re-hired after less than twenty six (26) consecutive weeks is considered a continuing employee.

Newly hired employees shall not receive credit for hours of service previously worked for the City.

Continuing employees shall receive credit toward the applicable measurement period for hours of service both prior to the break in employment and after the break in employment.

8.2 Health Insurance Coverage.

8.2.1 In compliance with State and Federal Law, the City shall determine during its annual budget process the percentage of health care premiums it will pay for employees and dependents. Elected officials will pay the entire premium for health coverage. Employees may elect to opt out of the City's health insurance plan as long as they can provide proof that they are insured by another policy and they opt out in compliance with the policies established by the City's health insurance provider.

8.3 COBRA.

8.3.1 Cedar City Corporation complies with the Health Insurance Coverage Act (1985) of the Comprehensive Omnibus Budget Reconciliation Account (COBRA).

8.4 Post-Retirement Health Insurance.

8.4.1 For purposes of this policy, an employee must have worked as a regular full-time employee for a minimum of ten (10) years, or fifteen (15) years for an employee hired after August 23, 2006, and retire on or before June 30, 2016. Upon compliance with the above criteria, the employee shall be eligible for continued health insurance coverage upon retirement for three (3) years, or to age sixty-five (65), whichever comes first. The maximum annual contribution for health insurance and health savings account contribution shall be five thousand dollars (\$5,000.00). The retired employee may include a spouse for coverage, with the difference in the premium (single versus double) to be paid by the retired employee. If the retired employee expires prior to the expiration of post-retirement health insurance coverage and the spouse has no coverage from any other provider, the spouse may continue coverage for the remaining period that

the retired employee would have been covered. In such event, the premium shall be paid by the City. This section shall apply to an employee who meets the above criteria and is eligible for long term disability. **(AMENDED BY RESOLUTION 08-0611-1) (AMENDED BY RESOLUTION NO. 10-1013-1).**

8.4.2 The City will discontinue the post-retirement health benefit as of June 30, 2016. Therefore, any employee retiring after June 30, 2010 and prior to June 30, 2016 shall have the ability to use the post-retirement health benefit under the terms of the policy as it exists when the employee retires. Any employee retiring after June 30, 2016 shall not be able to use the post-retirement health benefit.

8.4.3 All employees that have retired prior to June 30, 2010, and who were using the post-retirement health benefit shall continue to use post-retirement health benefit for a total of five (5) years with the City's maximum annual contribution toward health insurance and health savings accounts limited to \$5,000.00.

(AMENDED BY RESOLUTION 10-1013-1).

8.5 Employee Retirement System.

8.5.1 The City participates in the Utah Retirement System (URS). The City pays the contribution amounts as determined by the URS. The URS provides a number of benefits to the employee, including an employee contribution 401(k) option. Because of complexities of the plan, employees should refer to the informational handbook regarding any questions concerning the plan.

8.6 Social Security (FICA).

8.6.1 All paid employees of the City contribute to the Social Security program as administered by the Federal Government. Social Security is a system of retirement benefits based on equal employer and employee contributions to public insurance reserves.

8.7 Workers Compensation.

8.7.1 Cedar City Corporation operates under the provisions of the State of Utah Workers' Compensation Act which provides that, "any employee injured, or the dependents of any employee, killed during the course of his/her duty shall receive compensation for loss sustained on account of such injury or death, and for medical, nurse and hospital services, medicines and funeral expenses...."

8.7.2 The size of the awards and the conditions connected with these claims are contained in the State Laws covering Worker's Compensation. Any injury occurring on the job must be reported to the Department Head immediately and forms prescribed by the State Industrial Commission must be completed and submitted to the Human Resources Specialist within three (3) days of injury.

8.7.3 See Section 8.9 governing benefits used in conjunction with sick leave.

8.8 Long Term Disability.

8.8.1 The City through the Utah Retirement System(URS), provides long term disability to employees who are disabled ninety (90) days or more. All cases are reviewed and determined by URS.

8.9 Holidays.

8.9.1 The following days have been designated by the City to be paid holidays:

New Year's Day	January 1 st
Civil Rights Day	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September
Veterans Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Thanksgiving Day-after	4 th Friday in November
Christmas Day	December 25 th

When a holiday falls on a Saturday, it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed on the following work day.

8.10 Recreation Passes.

8.10.1 Regular full time employees are entitled to a swimming pool pass, a golf course pass, and an open riding (Cross Hollow Event Center) pass. The City shall make available to a retired employee the same passes for five years following their retirement date.

8.11 Annual Leave.

8.11.1 Each regular full-time non exempt employee will be entitled to annual leave based upon the following schedule:

<u>Service Time</u>	<u>Days per Year</u>
0 <u>6 months</u> thru 1 year	7 days
2 thru 4 years	13 days
5 thru 9 year	16 days
10 thru 14 years	19 days
15 plus years	22 days

Amended by Ordinance No. _____

8.11.2 Annual Leave schedule for exempt positions shall be:

<u>Service Time</u>	<u>Days per Year</u>
0 <u>6 months</u> 5 years	16 days
6 thru 10 years	19 days
11 plus years	22 days

Amended by Ordinance No. _____

8.11.3 As used in this section, "Service Time" shall mean the length of the employee's present employment with the city and does not include periods of previous employment with the City that were terminated voluntarily or involuntarily, ~~excepting in~~ cases of reduction in force.

Amended by Ordinance No. _____

- 8.11.4 Annual Leave is intended to benefit the employee, and employees are encouraged to take annual leave in the year in which it is earned. An employee may "carry over" into the following calendar year the amount of annual leave that he/she earns in one year plus forty (40) hours. Any accumulated annual leave in excess of yearly earned plus forty (40) hours will be lost at the end of the calendar year.
- 8.11.5 Annual Leave will be scheduled with the Department Head so as to meet the operating requirements of the City and, insofar as possible, the preference of the employees.
- 8.11.6 An authorized City holiday shall not constitute a day of annual leave.
- 8.11.7 Annual leave shall accrue from the date of appointment of a probationary employee at the appropriate number of hours per month.
- 8.11.8 Annual leave may be taken in one-half (½) hour increments by non-exempt employees. Exempt employees shall take annual leave in one (1) day increments.

8.12 Sick Leave.

- 8.12.1 Sick leave is provided from the date of appointment of a probationary employee at the appropriate number of hours per month as insurance against loss of income when ~~a regular~~ the employee is unable to perform his/her work because of the illness or injury of the employee or for the emergency care of ill or injured dependents of the employee.

Amended by Ordinance No. _____

- 8.12.2 ~~Each regular full-time employee~~ Leave shall accrue ~~sick leave~~ at the rate of one (1) day for each month of service. Holidays which fall on a regular working day within a period when sick leave is being taken shall be credited as a holiday and not as a sick day.

Amended by Ordinance No. _____

- 8.12.3 Sick leave shall accrue by the month and shall be available to eligible employees one month after date of employment. An employee who is ill or injured and unable to attend work shall notify his/her supervisor prior to the work shift, or as soon as practicable.

- 8.12.4 Any application for sick leave to cover absence which exceeds three (3) successive working days may be required to be supported by a medical certificate. Abuse of sick leave privileges may be considered grounds for discipline.
- 8.12.5 If an employee is injured on the job and is receiving workers compensation benefits, sick leave may be used to supplement the workers compensation amount so that the salary will be the same as when working. After accumulated sick leave is exhausted, accumulated annual leave and compensatory time may be used by the employee similarly as explained above. If an employee's accumulated sick leave, annual leave, and compensatory time have been exhausted, and he/she is, for medical reasons, unable to return to duty, the City Council may review the circumstances and take whatever action the City Council deems advisable.
- 8.12.6 The City may grant up to full restoration of sick leave time to an employee who is injured in the performance of his/her duties as a result of an assault by another party with a dangerous weapon, a high-speed chase of a motorist or felon, while effecting an arrest of a combative or resistant subject or an assault under riot conditions. Claims for restoration shall be evaluated by the City Council after receiving recommendation from the City Manager.
- 8.12.7 The City may grant up to full restoration of sick leave to a regular full-time or regular part-time employee who is injured when he/she is acting in the performance of his/her duties and when there is no negligence on the part of the employee. Claims for restoration shall be evaluated by the City Council after receiving recommendation from the City Manager.
- 8.12.8 An employee who has been absent from duty because of injury must provide a certification of fitness from a physician before being allowed to return to duty.
- 8.12.9 There shall be no limit on sick leave accrual. Sick leave may be taken in one-half (½) hour increments.
- 8.12.10 During the month of November each year, the payroll clerk shall calculate the sick leave used versus the sick leave earned during the previous twelve-month period for each city employee who has accrued sixty (60) days of sick leave. Each employee may be paid twenty-five (25) percent of his/her unused sick leave for that period upon request of the employee. Remuneration shall be made in the first regular pay period in the month of December. The twenty-five (25) percent of the unused sick leave shall be deducted from the balance of the employee's

total accrued. Sick leave sold back shall be lost. There shall be no buy-back at termination from employment.

- 8.12.11 If an employee, due to long-term illness or injury, uses all accrued sick leave, the department head may authorize the employee to request a donation of sick leave from other city employees. The donation amount is eight (8) hours and is not counted as used sick leave for buy-back purposes. If the receiving employee does not use the amount donated after one (1) year the entire remaining donated amount will be calculated and divided by the number of employees making the original donation. Each employee making the original donation shall have an equal amount of sick leave returned to them.

Amended by Cedar City Resolution No. 14-0827-1.

8.13 Administrative Leave.

- 8.13.1 Administrative leave may be used by the City in extraordinary circumstances only. It may be utilized in situations where it is deemed necessary to remove an employee from his/her duties due to potential health and/or safety risk to: (1) the employee; (2) the public; and/or (3) co-workers. Administrative leave may be utilized for definite periods of time only, and may be with or without pay. Administrative leave shall be administered by the Department Head with concurrence of the City Manager and Mayor.

8.14 Emergency Leave.

- 8.14.1 A regular full-time employee may, upon the approval of the Department Head, be granted leave with pay to attend to the death of immediate family member. The amount of time granted will be governed by the individual circumstances, but will normally be one (1) day and shall not exceed (3) days. For purposes of this section, immediate family members shall include parents, grandparents, spouse, children and siblings (including in-laws).

8.15 Jury and Court Leave.

- 8.15.1 A regular employee who is summoned to serve on a jury, or required by subpoena to appear as a witness, shall be granted leave and entitled to the difference between his/her regular pay and compensation fees received for court duty. Time absent by reason of subpoena in private litigation or by some party other than the Federal Government, the State of Utah or a political

subdivision thereof, to testify not in official capacity but as an individual, shall be taken as annual leave or leave without pay.

8.16 Military Leave.

8.16.1 Leave may be granted for a period of active military service. Extended military leave is defined as any leave of six (6) months or more, and short-term military leave is any leave of less than six (6) months in duration.

Short-term military leave is authorized for permanent City employees pursuant to the following conditions:

- A. Regular employees are entitled to ten (10) working days of military leave per year without loss of fringe benefits, subject to the following paragraph. Said employee shall be entitled to the difference between his/her regular pay and compensation fees received for military duty. Any employee requesting such leave must provide the City Manager with a copy of the military orders placing him/her on active duty status.
- B. Employees who are members of reserve units of the military shall notify their Department Head at least four (4) weeks in advance and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made part of the employee's personnel file.

8.16.2 Extended military leave without pay may be granted to permanent employees who enlist, are drafted, or are recalled to active services in the armed forces of the United States in accordance with the provisions of the Universal Military Training and Service Act. Former employees shall be permitted to return to City employment pursuant to the following conditions:

- A. The leave of absence may not exceed four (4) years from the date of entry into the military service (unless the employee is involuntarily detained longer).
- B. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
- C. Any employee leaving active military duty is authorized forty (40) days from the active release date in which to request reinstatement to a position of comparable status and compensation. If the employee

declines an offer for a position vacancy, reinstatement rights may be canceled by the City Council.

- D. If, due to a service connected disability or for some other reason, an employee is not qualified to perform all the duties of the former position, the employee will be placed in the closest comparable position for which he/she is qualified.

8.17 Leave of Absence.

8.17.1 A leave of absence without pay may be granted for a period not to exceed one (1) year to regular full-time employees because of illness, for educational purposes, that are mutually advantageous to the City and the employee; or and for other reasons deemed appropriate by the City. Such leave shall not be regarded as an acquired right by employees and shall be granted only when the City's service will not be adversely affected thereby. A request for leave shall be made in writing and, if approved by the City Manager and City Council, shall be placed in the employee's file. Leave granted to an employee who accepts regular or full-time employment outside the City's service shall be subject to the approval of the City Manager and City Council and shall be denied unless the request thereof is accompanied by satisfactory proof that such employment is temporary and that the experience gained thereby will be for the betterment of the City's service.

8.17.2 A leave of absence without pay granted to an employee may be terminated prior to the expiration date thereof with the consent of the City Manager and City Council. Failure of an employee to report for duty promptly at the expiration of his/her leave or violation of an agreement or understanding entered into by him/her relative thereto shall be just cause for discharge.

8.17.3 The City will not pay for City insurance coverage for an employee on a leave of absence. An employee who wants to retain his/her City insurance coverage while on a leave of absence will be required to pay the insurance premium.

8.18 Family and Medical Leave Act (FMLA).

8.18.1 Regular full-time employees are entitled to 12 unpaid "work-weeks" of leave during any calendar year for one or more of the following conditions:

- A. The birth or adoption of a child;

- B. To care for a spouse, son, daughter, or parent with serious health condition; or
- C. Because a serious health condition makes the employee unable to perform any of the essential functions of his or her job.

8.18.2 Said leave may be taken intermittently. The City may require an employee to use any accrued vacation as part of FMLA leave. If an employee takes leave for a condition covered under this policy for five (5) or more consecutive work days the supervisor with the cooperation of human resources shall require the employee to use FMLA leave. If an employee takes leave for a condition covered under this policy for five (5) or more non-consecutive days the supervisor with the cooperation of human resources may require the employee to use FMLA leave.

8.18.3 Provisions applicable to local governments concerning FMLA as established by The Department of Labor shall be used as guidelines by the City.

Amended by Cedar City Resolution No. 13-0522 and 14-0827-1.

NOW THEREFORE be it further resolved by the City Council of Cedar City, State of Utah, that City staff is authorized to make such non-substantive changes to the format and table of contents of the Personnel Policy as may be reasonably necessary to accommodate the amendments made herein.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage and publication as required by State Law.

Dated this ____ day of _____, 2015.

Maile L. Wilson
Mayor

[SEAL]
ATTEST:

RENON SAVAGE
RECORDER

**CEDAR CITY COUNCIL
AGENDA ITEM 5**

INFORMATION SHEET

TO: Mayor and City Council

FROM: Ryan Marshall & Corey Childs

DATE: August 28, 2015

SUBJECT: Surplus Auction Items

DISCUSSION: The Public Works Department is in charge of the disposal of surplus property throughout the City, including vehicles, equipment and other surplus items. We would like to get approval from the City Council to have these items approved for surplus. Following approval from the Council, we will set up the auction on the Public Surplus website. It will run for a 30-day period. The list of potential items will be available at the meeting.

